

AMENDED IN ASSEMBLY MAY 8, 2013  
AMENDED IN ASSEMBLY MARCH 12, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

## ASSEMBLY BILL

**No. 333**

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**Introduced by Assembly Member Wieckowski**

February 13, 2013

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An act to amend Sections 117695, 117710, 117765, ~~117918~~, 118027, and ~~18240~~ *118240* of, and to repeal and add Section 117630 of, the Health and Safety Code, relating to medical waste.

### LEGISLATIVE COUNSEL'S DIGEST

AB 333, as amended, Wieckowski. Medical waste.

(1) Existing law, the Medical Waste Management Act, regulates the disposal of medical waste, including requiring specified biohazard materials to be disposed of in biohazard bags and requiring specified treatment for medical waste. Transportation, storage, treatment, or disposal of medical waste in a manner not authorized by the act is a crime.

Existing law defines a biohazard bag as a disposable red bag that has the strength to preclude ripping, tearing, or bursting under normal conditions of usage and handling and that is constructed of material of sufficient single thickness strength to pass the 165-gram dropped dart impact resistance test, as specified, and certified by the bag manufacturer.

This bill would change the definition of a biohazard bag to a film bag certified by the manufacturer as having passed specified tests for tear resistance and impact resistance. The bill would require a biohazard bag to be red unless other colors are used to further segregate the waste

stream. If additional colors are used, the bill would require the color assignments to be designated in the facility's medical waste management plan.

(2) Existing law defines a medical waste management plan as a document that is completed by generators of medical waste, as specified, on forms provided by the State Department of Public Health or a local agency.

This bill would define a medical waste management plan as a document that describes how the medical waste generated at a generator's facility shall be segregated, handled, stored, packaged, treated, or shipped for treatment, as applicable, and would only require the plan to be on department forms if those forms are provided by the department or local agency.

(3) Existing law exempts from specified provisions of the Medical Waste Management Act a person who is authorized to collect solid waste and who unknowingly transports medical waste to a solid waste facility, incidental to the collection of solid waste.

This bill would exempt those persons from the entire act, with regard to that waste, and would require the solid waste transporter to contact the originating generator of the medical waste to respond to the facility to provide ultimate proper disposal of the medical waste.

(4) Existing law requires that animals that die of infectious diseases be treated as medical waste, as specified, if, in the opinion of the attending veterinarian or local health officer, the carcass presents a danger of infection to humans.

This bill would require the ~~carcasses~~ *carcasses* of animals that have died of infectious diseases or that have been euthanized because of suspected exposure to infectious disease to be treated with a treatment technology approved by the department if, in the opinion of the attending veterinarian or local health officer, the carcass presents a danger of infection to humans. By expanding the definition of a crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 117630 of the Health and Safety Code  
2 is repealed.

3     SEC. 2. Section 117630 is added to the Health and Safety Code,  
4 to read:

5     117630. “Biohazard bag” means a disposable film bag that is  
6 impervious to moisture. The film bags that are used for transport  
7 shall be marked and certified by the manufacturer as having passed  
8 the tests prescribed for tear resistance in the American Society for  
9 Testing Materials (ASTM) D1922, “Standard Test Method for  
10 Propagation Tear Resistance of Plastic Film and Thin Sheeting by  
11 Pendulum Method” and for impact resistance in ASTM D 1709,  
12 “Standard Test Methods for Impact Resistance of Plastic Film by  
13 the Free-Falling Dart Method,” as those documents are published  
14 on January 1, 2014. The film bag shall meet an impact resistance  
15 of 165 grams and a tearing resistance of 480 grams in both parallel  
16 and perpendicular planes with respect to the length of the bag. The  
17 color of the bag shall be red, except when other colors are used to  
18 further segregate the waste stream, including for trace  
19 chemotherapy wastes, laboratory wastes, and other subsets of the  
20 waste stream. If additional colors are used other than the standard  
21 red bag, the color assignments shall be designated in the facility’s  
22 medical waste management plan.

23     SEC. 3. Section 117695 of the Health and Safety Code is  
24 amended to read:

25     117695. Medical waste that has been treated in accordance  
26 with the provisions of the Medical Waste Management Act,  
27 Chapter 8 (commencing with Section 118215), and that is not  
28 otherwise hazardous, shall thereafter be considered solid waste as  
29 defined in Section 40191 of the Public Resources Code and not  
30 medical waste.

31     SEC. 4. Section 117710 of the Health and Safety Code is  
32 amended to read:

33     117710. “Medical waste management plan” means a document  
34 that is completed by generators of medical waste that describes  
35 how the medical waste generated at their facility shall be  
36 segregated, handled, stored, packaged, treated, or shipped for  
37 treatment, as applicable, pursuant to Section 117935 for small  
38 quantity generators and Section 117960 for large quantity

1 generators, on forms prepared by the enforcement agency, if those  
2 forms are provided by the enforcement agency.

3 SEC. 5. Section 117765 of the Health and Safety Code is  
4 amended to read:

5 117765. "Storage" means the holding of medical wastes, in  
6 compliance with the Medical Waste Management Act, including  
7 Chapter 9 (commencing with Section 118275), at a designated  
8 accumulation area, offsite point of consolidation, transfer station,  
9 other registered facility, or in a vehicle detached from its means  
10 of locomotion.

11 ~~SEC. 6. Section 117918 of the Health and Safety Code is~~  
12 ~~amended to read:~~

13 ~~117918. Medical waste shall be treated using treatment~~  
14 ~~technologies approved by the department in accordance with~~  
15 ~~Chapter 8 (commencing with Section 118215).~~

16 ~~SEC. 7.~~

17 SEC. 6. Section 118027 of the Health and Safety Code is  
18 amended to read:

19 118027. A person who is authorized to collect solid waste, as  
20 defined in Section 40191 of the Public Resources Code, who  
21 unknowingly transports medical waste to a solid waste facility, as  
22 defined in Section 40194 of the Public Resources Code, incidental  
23 to the collection of solid waste is exempt from the provisions of  
24 the Medical Waste Management Act with regard to that waste. If  
25 a solid waste transporter discovers that he or she has hauled  
26 untreated medical waste to a landfill or materials recovery facility,  
27 he or she shall contact the originating generator of the medical  
28 waste to respond to the landfill or recovery facility to provide  
29 ultimate proper disposal of the medical waste.

30 ~~SEC. 8.~~

31 SEC. 7. Section 118240 of the Health and Safety Code is  
32 amended to read:

33 118240. Notwithstanding Section 9141 of the Food and  
34 Agricultural Code, animals that die from infectious diseases or  
35 that are euthanized because they are suspected of having been  
36 exposed to infectious disease shall be treated with a treatment  
37 technology approved by the department for that use if, in the  
38 opinion of the attending veterinarian or local health officer, the  
39 carcass presents a danger of infection to humans.

~~SEC. 9.~~

SEC. 8. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.